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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 26 January 1996 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the attached copy of the final document, entitled "The Canary Islands Commitment", adopted by the First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights, which took place in the Canary Islands (Spain) from 7 to 9 November 1995 (see annex).

The Conference, which brought together 135 representatives of institutions and associations based in Africa, America and Europe and devoted to the protection and promotion of human rights, centred on the topic, "Human Rights, Solidarity and Development".

I should be grateful if you would have this letter and the above-mentioned document circulated as an official document of the General Assembly at its fiftieth session under agenda item 112 (b).

(Signed) Juan Antonio YÁÑEZ-BARNUEVO

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ANNEX

First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights

Canary Islands, 7, 8 and 9 November 1995

On 7, 8 and 9 November 1995, 135 representatives of institutions and associations for the protection and promotion of human rights from Africa, America and Europe (defenders of the people, mediators, ombudsmen, parliamentary and governmental committee members, members of national committees, members of petitioners' committees, trade union representatives, human rights activists and prosecutors, henceforth included under the general term "defenders of human rights" (or simply "defenders"), met at the invitation of the Deputy of the Commune of the Canary Islands (the name given to the Parliamentary Ombudsman of the Canary Islands) at the First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights, which was organized around the theme "Human Rights, Solidarity and Development" as a subject for reflection, analysis and proposals for action.

The Conference adopted a final document, entitled "The Canary Islands Commitment", an abridged version of which is reproduced below (see appendix).

APPENDIX

SUMMARY OF THE FINAL DOCUMENT

THE CANARY ISLANDS COMMITMENT

1. The historic moment in which we are living, characterized by a globalization of economic, political, social and cultural phenomena, an unequal distribution of wealth, and the persistence of systems of the domination of some groups of people over others on the basis of social, gender or age differences, greatly impedes the full exercise of human rights by causing serious situations of poverty, marginalization, hunger, illness and death, forced displacement and the flight of refugees, the resurgence of phenomena of intolerance, racism and xenophobia, unemployment and limitations on the right to a decent life, a crisis in the mechanisms for the control of power, even in advanced parliamentary democracies, the demographic growth which is anticipated for the 21st century, and the depletion of the natural resources of the planet.

2. Such a situation urgently requires that democratic institutions in general, and the defenders of human rights in particular, given their responsibility for the defence of human dignity, should develop common approaches to the protection of human rights and a programme of action in a spirit of solidarity in order to make existing defence mechanisms effective and to devise other means of facing the contemporary threats to the full exercise of human dignity.

3. Therefore, the protectors of human rights of the three continents represented at this conference (Africa, America and Europe), after analysis and discussion of, and agreements on, "Human Rights, Solidarity and Development" and in an operative search for:

1. International legal instruments to produce a model for balanced and sustained development;

2. Links of solidarity in a world in crisis;

3. Proposals for migration and cultural rights.

PROCLAIM:

(A) <u>With regard to the right to development and international solidarity</u>

1. The solution for overcoming this serious situation requires a renewed concept of solidarity and cooperation and a coordination of policies between the developed countries and those of the third world, in the context of a reformulation of aid and reciprocity entailing a new definition of the concept of sustainable human development. The right to development is based on the interrelationship of justice, dignity, solidarity and peace.

2. Based on the United Nations Development Programme (UNDP) definition of sustainable development as one "that not only generates economic growth but

distributes its benefits equitably; that regenerates the environment rather than destroying it; that empowers people rather than marginalizing them ... [that] gives priority to the poor, enlarging their choices and opportunities, and provides for their participation in decisions affecting them", we emphasize that:

- The human being is a subject of law and the Government is responsible for ensuring his functionality and effectiveness;

- The right to development is the synthesis of individual and collective rights, and it must be put into effect in order to promote the exercise of all other rights. Its nature as a fundamental right means that it is an absolute necessity which must not be subordinated to future programmatic plans but must apply to every person, at all times and in all places;

- Essential conditions for the exercise of the right to development include: an economy which makes possible the conservation and renewal of its resources; a participatory democracy; political self-determination; rights of the citizen as a subject of law; human freedom and dignity; and tolerance and respect for minorities;

- As UNDP has recognized, the free play of economic and political processes is unlikely to lead to an equal distribution of opportunities. Because of the prevailing inequalities and the slowness of change in the centres of power, the only remaining way in which the right to development can be put into practice is to quickly find new strategies for real solidarity and international cooperation which avoid and transcend the old forms of assistance;

- In view of the globalization and interdependence of the factors that impede exercise of the right to development and the fact that measures or actions taken at the regional or national level within the global trading system cannot succeed on their own, the involvement of the international community through the United Nations is required;

- There is an urgent need to revise the aims and functioning of the agencies of the United Nations system, and in particular to revise the structural adjustment programmes, given the fact that they have resulted in the exclusion and increased impoverishment of the poorest segments of society in almost all the countries of the third world;

- There is also an urgent need to review all the declarations, instruments, principles and procedures that establish rights and obligations aimed at securing the economic and social well-being of all human beings in order to add provisions that guarantee their effectiveness and applicability throughout the world;

- It is essential for the Bretton Woods financial institutions to align their functioning with the principles enshrined in the Universal Declaration of Human Rights, in particular the 1986 United Nations

Declaration on the Right to Development, and it is essential to make provision for macroeconomic adjustment in the fight against poverty;

- This Tricontinental Conference recommends that the United Nations should endeavour to monitor and regulate international trade and achieve transparency in international cooperation activities.

(B) With regard to the role of champions of human rights

The commitment of defenders of human rights begins with carrying out the assigned activities that concern our immediate communities, and then extends to our less immediate communities: our neighbour and the human race. One of the priorities of our work is to ensure that people are fully aware of their rights and duties in order to be able to take charge of their private lives and participate in public life, the ultimate objective being for the citizens themselves to defend their rights and legitimate interests.

The role of defenders of the people needs to be strengthened with an eye to the future; their role and that of the organizations that represent them must be redefined in order to make them active participants in any situation where the people need us, especially with respect to the two most crucial challenges currently facing mankind: combating poverty and inequality and ensuring that human beings play a part in their present and their future.

Since they serve as intermediaries between the people and the authorities, we request that the United Nations should recognize their work, and that the United Nations and relevant regional organizations should grant them a status that will enable them to act autonomously in international human rights forums.

(C) With regard to indigenous peoples

Specific commitments of defenders of human rights with respect to:

- Accession to and/or ratification of legal instruments of special importance to indigenous peoples, specifically, the Declaration on the Rights of Indigenous Peoples;

- Accession to and/or ratification of the Indigenous and Tribal Peoples Convention of the International Labour Organization, and support for the reforms of the Patzcuaro Convention and the transformation of the Inter-American Indian Institute;

- Strengthening of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean;

- Promotion of and support for national legislative reforms concerning indigenous peoples.

(D) With regard to the status of women

This Tricontinental Conference endorses the 1995 Beijing Platform for Action as a charter that assimilates women's rights to basic human rights and

calls for women's demands to be included in the activities of defenders of the people.

It endorses the special programmes for women of UNDP and recommends that:

- National legislation should be amended so as to define any violence against women, within and outside the home, as a violation of human rights;

- The international community's right to intervene in relation to the violations of human rights currently being perpetrated against women of specific cultural communities in the name of tradition, religion or the Government's population policy should be recognized.

(E) With regard to emigration

- An appeal should be addressed to countries receiving emigrants to establish fairer legislation that would not adversely affect the dignity and status of those who are forced into an illegal situation in order to survive.

- Collaborative efforts should be made to prevent emigrants being uprooted from their countries, their customs and their families. With respect to the immigrant communities, a culture of acceptance and respect for differences should be fostered that would counter the effects of the racism and xenophobia currently spreading throughout Europe. There should be cooperation in implementing policies of solidarity in the context of employment, health and child care.

- Where cases of illegal immigration are reported, the defenders of human rights should ensure respect for the human rights of the immigrants, making sure that their dignity is respected.

(F) With regard to children

- The development of a comprehensive protection, education and development policy should be promoted, in line with protection guidelines that are basically consistent with the 1989 United Nations Declaration of the Rights of the Child, with special attention to the situation that a high proportion of children are living uprooted in poverty as refugees.

Conclusion

The defenders of human rights assembled here express their satisfaction at the impetus being given to the development and consolidation of the institution of defenders of the people in Latin America and Africa, in the conviction that it would be a decisive step in efforts towards the effective exercise of human rights and the institutionalization of democracy in those countries.

At this tricontinental meeting in the Canary Islands on human rights, solidarity and development, we, as individuals, participating actively in

international life, call for integration and receptiveness, with a view to recognition of the variety of identities of our peoples and respect for their human rights, regardless of their situation or wherever they may be.